

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DERRICK T. BENNETT**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 4:22-cv-50-DMB-JMV**

**ADVANCED DISTRIBUTOR PRODUCTS**

**DEFENDANT**

**ORDER STRIKING AMENDED COMPLAINT**

The *pro se* Plaintiff, Derrick T. Bennett, filed an amended complaint [18] on May 26, 2022. However, because Plaintiff's time for amending once as a matter of course has now passed, he must seek leave from the Court to amend prior to filing an amended complaint. Accordingly, the amended complaint [18] shall be stricken.

At this juncture, any amendment falls under Fed. R. Civ. P. 15(a)(2), which states that "a party may amend its pleading only with the opposing party's written consent or the court's leave." Further, Local Uniform Civil Rule 15 states that "If leave of court is required under Fed. R. Civ. P. 15, a proposed amended pleading must be an exhibit to a motion for leave to file the pleading." Plaintiff's failure to seek leave of Court prior to filing the amended complaint makes the filing improper.

Therefore, the amended complaint [18] is hereby stricken. Plaintiff is instructed that should he desire to amend his complaint, he must file a motion seeking leave from the Court to do so. Plaintiff must also attach any proposed amended complaint as an exhibit to the motion in accordance with the Rules.

**SO ORDERED** this, the 1st day of June, 2022.

/s/ Jane M. Virden

**UNITED STATES MAGISTRATE JUDGE**